



California Construction and
Industrial Materials Association

August 6, 2014

VIA EMAIL

Ms. Connie Chung
Los Angeles County Regional Planning Department
320 West Temple Street, 13th Floor
Los Angeles, CA 90012

RE: Los Angeles County 2035 General Plan Draft Environmental Report

Dear Ms. Chung,

The California Construction & Industrial Materials Association (CalCIMA) appreciates the opportunity to comment on the Los Angeles County 2035 General Plan Draft Environmental Impact Report (DEIR). We further appreciate the willingness of Los Angeles County Regional Planning Department staff to incorporate our suggested policy and guideline changes into the Los Angeles County 2035 General Plan.

CalCIMA is a statewide trade association representing construction aggregate, ready-mix concrete and industrial materials producers in California. Our members supply the materials that build our state's infrastructure, including public roads, rail, and water projects; helps build our homes, schools and hospitals; assists in growing crops and feeding livestock; and plays a key role in manufacturing wallboard, roofing shingles, paint, glass, low-energy light bulbs, and battery technology for electric cars and windmills.

Our comments and suggested revisions to the DEIR are as follows:

5.4.1 Environmental Setting

CalCIMA is concerned with the analysis of the Significant Ecological Areas (SEA) overlay. The DEIR fails to adequately review impacts created by the SEA process as applied to Mineral Resource Zones (MRZs) included within the SEA. These impacts would present obstacles to future mining and economic activity vital to meeting the County's ongoing infrastructure needs. Redundant SEA regulatory reviews would also generate additional incurred operating and administrative expense and decrease overall economic potential.

Increasing the SEA overlay over significant mineral resource areas would directly conflict with the recognized needs of the County. Additionally, the proposed SEA expansion would pose considerable challenges to any future plans for aggregate companies to expand their operations, creating serious long-term impacts to the County through significant losses of high-paying jobs and tax revenue.

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The result of this added cost and procedural redundancy will jeopardize the production of construction materials from within the County. Public Resources Code Section 2711(d) recognizes that preservation of local sources of construction materials is vital to avoiding detrimental impacts to air quality and traffic that result from the importation of compensatory materials from remote sources. As such, the County must evaluate the extent to which the SEA's effect on mineral resources will increase air emissions, greenhouse gasses, and traffic, among other issues.

To mitigate these impacts, we believe a reasonable compromise would be to modify the proposed boundary of the SEA encompassing MRZs that have already gone through the CEQA process and been designated "*regionally significant*" to the County and the State so that such MRZs are excluded from the SEA.

We further request that mining operators willing to reclaim their operations to open space be allowed to forgo SEATAC Review and, specifically the 4:1 compensatory land mitigation ratio. Additionally, CalCIMA requests that a member of the SEATAC board be specifically experienced in mining revegetation practices.

5.4.5 CUMULATIVE IMPACTS

The cumulative impacts analysis fails to consider impacts of the SEA program's expansion over identified mineral resource lands, specifically, any potential negative impacts upon the development of those lands.

5.11 MINERAL RESOURCES

CalCIMA appreciates the overall environmental analysis of mineral resources conducted as part of the DEIR. We strongly believe, however, there are specific items that require additional review and/or analysis.

Sections 2761(a) and (b) and 2790 of the *Surface Mining and Reclamation Act (SMARA)* provide for a mineral lands inventory process termed classification-designation. While the California Geological Survey and the State Mining and Geology Board (SMGB) are responsible for administering the process, the primary objective of the process is to provide local agencies, such as cities and counties, with information on the location, need and importance of minerals within their respective jurisdictions. It is also the intent of this process, through the adoption of General Plan Mineral Resources Management Policies (MRMPs) that this information be considered in future land use decisions. While the County's DEIR calls out the specific MRZs, we believe the DEIR does not have adequate supporting MRMPs.

Additionally, we believe the DEIR's analysis of the protection of these MRZs is wholly inadequate, especially given the fact the State has established specific standards that protect mineral resources in these areas.

The designation of “regionally significant” resources zones requires that a lead agency’s land use decisions involving designated areas are made in accordance with its MRMPs. The lead agency must also consider the importance of the mineral resources to the region or the State as a whole and not just within the lead agency’s jurisdiction. CalCIMA fails to see how this critical requirement is adopted or even considered by the DEIR.

The DEIR and General Plan fail to account for Public Resources Code Section 2762:

2762. (a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, a lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan that will:

(1) Recognize mineral information classified by the State Geologist and transmitted by the board.

(2) Assist in the management of land use that affects access to areas of statewide and regional significance.

(3) Emphasize the conservation and development of identified mineral deposits.

(b) A lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

Moreover, CEQA requires that the lead agency evaluate and adopt feasible mitigation measures with regard to a potentially-significant impact even when the agency ultimately concludes that the impact is significant and unavoidable. (Pub. Resources Code § 21002). In order to approve a project despite a significant and unavoidable impact, the agency must find that “specific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.” (Cal. Code Regs., tit. 14, § 15091(a)(3).) Implicit in this finding is a mandate to evaluate mitigation measures in the environmental impact report so as to ascertain their feasibility with regard to the mitigation of identified impacts. Moreover, in concluding that mitigation is infeasible, the agency must state “specific reasons” in support of that conclusion. (Cal. Code Regs., tit. 14, § 15091(c).)

In this case, the County concludes that impacts 5.11-1 and 5.11-2 are significant and unavoidable, yet the EIR is devoid of any analysis of mitigation that could avoid the impacts. Mitigation should be evaluated that would avoid the loss of mineral resources. For example, the County should evaluate whether the Airport designation described in conjunction with impact 5.11-1 can be revised to specifically allow for development of mineral resources within areas subject to the broad-ranging Airport designation. Similarly, the County should evaluate the extent to which mitigation or project design modifications could preserve mineral resources in the Little Rock Wash Area described in impact 5.11-2. Without this level of analysis, the EIR is inadequate and would not support the County’s decision to approve the project.

5.11.5 CUMULATIVE IMPACTS

The cumulative impacts fail to adequately analyze several critical data points, including potentially significant economic impacts that could include decreased direct and ancillary economic activity, job losses and decreased tax revenues; the impacts of additional truck traffic based on importing materials; and significant additional air emissions and Greenhouse Gases generated from the import of additional materials.

In considering the negative impacts on mineral resource lands, we believe the DEIR's analysis fails to recognize the environmental benefits generated by the development of local sources of materials as recognized by the California Legislature. Public Resources Code 2711(d) specifically notes both the economic and environmental benefits of such resources:

"The Legislature further finds that the production and development of local mineral resources that help maintain a strong economy and that are necessary to build the state's infrastructure are vital to reducing transportation emissions that result from the distribution of hundreds of millions of tons of construction aggregates that are used annually in building and maintaining the state."

Further, it remains unclear why maintaining open space zoning in these mineral resource areas would not be consistent with the County's goals of both creating and maintaining open space, as well as the future development of these mineral resource lands and their subsequent reclamation to a land use consistent with the underlying zoning.

We request that the above be included and analyzed in the DEIR.

Again, thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Los Angeles County 2035 General Plan. We appreciate your consideration of our comments and look forward to a productive and open dialogue on these important revisions.

Should you have any questions, please do not hesitate to contact me at (562) 370-7129.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Driscoll". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'D'.

Angela Driscoll,
Director, Local Government Affairs